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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,494	01/24/2002	Noam Livnat	2000.129000/TT5979	2284

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WILLIAMS, MORGAN & AMERSON
10333 RICHMOND, SUITE 1100
HOUSTON, TX 77042

EXAMINER

GOLD, AVI M

ART UNIT	PAPER NUMBER
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2157

MAIL DATE	DELIVERY MODE
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04/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/058,494	Applicant(s) LIVNAT ET AL.	
	Examiner AVI GOLD	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the appeal brief filed on January 29, 2008. Claims 1-7, 9, and 10 are pending.

Response to Amendment

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in all independent claims, a method where physically attaching a device to another device is performed and in claim 5, a method where based on a determination, selecting the first communication protocol from the plurality of communication protocols must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al., U.S. Patent No. 6,434,660, further in view of Ishii, U.S. Patent No. 6,594,505.

Lambert teaches the invention substantially as claimed including using flash memory devices conforming to a different protocol (see abstract).

As to claim 1, Lambert teaches a method for delivering a communication protocol to an electronic device, comprising:

physically attaching a first electronic device having a first communication protocol to a second device having a plurality of communication protocols, the plurality of

communication protocols including the first communication protocol and a second communication protocol (col. 3, lines 26-35, Lambert discloses flash memory of one protocol attached to a host device of another protocol);

Lambert does not explicitly teach establishing communication between the first and second devices using the first communication protocol, transferring the second communication protocol from the second device to the first device, installing the second communication protocol on the first device, and switching to the second communication protocol for further communication.

However, Ishii teaches a mobile telephone system capable of coping with a variety of mobile radio telephone systems by a single mobile radio telephone (see abstract). Ishii teaches the use of mobile radio telephone communication over a protocol, downloading of a protocol software from one base station to the other and executed communication on the new protocol after the download is completed (col. 2, lines 27-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lambert in view of Ishii to use a establishing communication between the first and second devices using the first communication protocol, transferring the second communication protocol from the second device to the first device, installing the second communication protocol on the first device, and switching to the second communication protocol for further communication. One would be motivated to do so because it would allow for the transferring of a protocol if emulation failed.

Regarding claim 2, Lambert and Ishii teach the method of claim 1 wherein the first and second communication protocol are software communication protocols (Lambert, col. 3, lines 26-35).

Regarding claim 3, Lambert and Ishii teach the method of claim 1 wherein the first and second electronic devices are handheld devices (Lambert, col. 3, lines 26-35).

Regarding claim 4, Lambert and Ishii teach the method of claim 1 wherein the established communication is point-to-point communication (Lambert, col. 3, lines 26-35).

Regarding claim 5, Lambert teaches a method for exchanging data between electronic devices, comprising:

physically attaching a first electronic device having a first communication protocol to a second device having a plurality of communication protocols, the plurality of communication protocols including the first communication protocol and a second communication protocol;

determining that the second communication protocol is not installed on the second device (col. 3, lines 26-35).

Lambert fails to teach the limitation further including based on a determination, selecting the first communication protocol from the plurality of communication protocols;

and establishing communication between the first and second devices using the first communication protocol.

However, Ishii teaches the use of based on the determination, selecting the first communication protocol from the plurality of communication protocols; and establishing communication between the first and second devices using the first communication protocol (col. 2, lines 27-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lambert in view of Ishii that based on the determination, selecting the first communication protocol from the plurality of communication protocols; and establishing communication between the first and second devices using the first communication protocol. One would be motivated to do so because it would allow for the use of an available protocol without the need for emulation.

Regarding claim 6, Lambert and Ishii teach the method of claim 5 further comprising:

transferring the second communication protocol from the second device to the first device;

installing the second communication protocol on the first device; and

switching to the second communication protocol for further communication (Ishii, col. 2, lines 27-51).

Regarding claim 7, Lambert teaches an apparatus for delivering data to a handheld electronic device, the apparatus comprising:

an electrical connector physically coupling the apparatus to the handheld device;
non-volatile storage for storing a plurality of communication protocols including a first communication protocol and a second communication protocol (col. 3, lines 26-35).

Lambert does not explicitly teach a processor configured to establish communication with the handheld device using the first communication protocol; transfer the second communication protocol to the handheld device; install the second communication protocol on the handheld device; and switch to the second communication protocol for further communication with the handheld device.

However, Ishii teaches the use of mobile radio telephone communication over a protocol, downloading of a protocol software from one base station to the other and executed communication on the new protocol after the download is completed (col. 2, lines 27-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lambert in view of Ishii to use a processor configured to establish communication with the handheld device using the first communication protocol; transfer the second communication protocol to the handheld device; install the second communication protocol on the handheld device; and switch to the second communication protocol for further communication with the handheld device. One would be motivated to do so because it would allow for the transferring of a protocol if emulation failed.

Regarding claim 9, Lambert and Ishii teach the apparatus of claim 7 wherein the first and second communication protocol are software communication protocols (Lambert, col. 3, lines 26-35).

Regarding claim 10, Lambert and Ishii teach the apparatus of claim 7 wherein the established communication is point-to-point communication (Lambert, col. 3, lines 26-35).

Response to Arguments

4. In view of the appeal brief filed on January 29, 2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth above.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,141,690 to Weiman

U.S. Pat. No. 5,349,649 to Iijima

U.S. Pat. No. 6,738,815 to Willis, Jr. et al.

U.S. Pat. No. 6,098,138 to Martinelli et al.

U.S. Pat. No. 5,696,903 to Mahany

U.S. Pat. No. 5,287,541 to Davis et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AVI GOLD whose telephone number is (571)272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157